

REAL PROPERTY

GALLATIN COUNTY SHERIFF'S SALE PROCEDURE REQUIREMENTS

All requests to sell real property through the Gallatin County Sheriff's Office must include the following with sufficient copies for certified mailings to: debtor, debtor's attorney, lien holders, other judgment creditors and copy for the Sheriff.

1.	Praecipe. Original duly executed Praecipe. MCA 7-32-2131(3).	<input type="checkbox"/> yes <input type="checkbox"/> no
2.	Writ of Execution. Original Writ of Execution with proof of filing with County Clerk. MCA 25-13-301; MCA 25-13-305.	<input type="checkbox"/> yes <input type="checkbox"/> no
3.	Judgment. Certified copy of Judgment with Seal of District Court Clerk.	<input type="checkbox"/> yes <input type="checkbox"/> no
4.	Judgment & Lien Search. Proof of lien holders and title search by a title insurance company. MCA 25-9-301.	<input type="checkbox"/> yes <input type="checkbox"/> no
5.	Sheriff's fees. \$150.00 (which includes mailing of three (3) certified letters to lien holders and plaintiff). If there are more than three (3) certified letters required, there will be an additional charge of \$10 per letter. The Sheriff's Office will perform the posting of the property. MCA 25-13-701.	<input type="checkbox"/> yes <input type="checkbox"/> no
6.	Advertising costs. The Sheriff's Office will send the advertisement to the local newspaper. The plaintiff will be responsible for the cost of the advertisement. MCA 25-13-701(c).	<input type="checkbox"/> yes <input type="checkbox"/> no
7.	Sheriff's Certificate of Sale. Provide the Sheriff's Certificate of Sale to be signed by the Sheriff/Representative upon conclusion of the sale. Plaintiff/attorney must certify that the interest in the real property described in the Sheriff's Certificate of Sale is accurate and no greater than the judgment debtor's interest in the real property. MCA 25-13-708 & 711.	<input type="checkbox"/> yes <input type="checkbox"/> no
8.	Notice of Right of Redemption. If the sale of the real property is subject to a right of redemption, provide a Notice of Right of Redemption or a statement that the property is not subject to a right of redemption. MCA 25-13-710 & 801; MCA 71-3-117	<input type="checkbox"/> yes <input type="checkbox"/> no
9.	Certification of Truth & Accuracy. The plaintiff/attorney must provide a signed and dated cover letter with the following certification: "The undersigned attorney hereby certifies that the enclosed documents are true and accurate; the judgment creditor has a lawful right to proceed with the Sheriff's Sale; the real property described, unless stated otherwise, is not subject to a homestead exemption; the judgment debtor's interest in the real property is accurately described in the Sheriff's Certificate of Sale; the interest to be sold is no greater than the judgment debtor's interest in the real property; the Sheriff shall have the right to rely on the truth and accuracy of enclosed documents and these representations and the plaintiff/attorney shall indemnify and hold harmless the Sheriff in this regard."	<input type="checkbox"/> yes <input type="checkbox"/> no

REQUESTS FOR SHERIFF'S SALE OF REAL PROPERTY THAT ARE INCOMPLETE WILL BE RETURNED TO THE PERSON SUBMITTING THE REQUEST. THE SHERIFF OF GALLATIN COUNTY ASSUMES NO RESPONSIBILITY FOR DELAYS CAUSED BY DEFICIENT REQUESTS.

Send all documents to: Gallatin County Sheriff, Civil Division, 615 S. 16th Ave., Bozeman, MT 59715. (406) 582-2109.